FILED
SEP 3 2005
U.S. DISTRICT COURT
DISTRICT OF RHODE ISLAND

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

UNITED STATES :
:
v. : No. CR 99-024S
:
ARTHUR D'AMARIO :

MOTION FOR LEAVE TO FILE OUT-OF-TIME OBJECTIONS TO PRESENTENCE REPORT

In accordance with Rule 32(b)(2) and Custis v. U.S., 511 U.S. 485, 497 (1994), Defendant requests leave to supplement his original objections to the Presentence Investigation Report [PSIR] and to reopen his sentences, for the reason that his misdemeanor sentences of 1996 and 1998 have been invalidated, lowering his criminal history category from III to CHC II. For support, Defendant refers the court to his accompanying memorandum of law and declaration.

DEFENDANT, PRO SE,

[signature] 9-19-05

Arthur D'Amario 02989[illegible]
U.S. Medical Center
PO Box 4000
Springfield, MO 65801-[illegible]

CERTIFICATION

I certify that on Sept. 19, 2005, I mailed copies of this Motion & Memorandum to AUSA Adi Goldstein, 50 Kennedy Plaza, Prov., RI 02903.

[signature]
defendant, pro se

October 13, 2005,

Motion denied as moot as the time to file a motion to revise and revoke has long since expired. Should the defendant wish to file a petition for habeas corpus, he must do so.

William G. Young
District Judge